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CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND

DEPUTY

AFFIDAVIT IN SUPPORT OF ARREST WARRANT

BY

I, Shanna G. Daniels, ("your Affiant") being duly sworn as a Special Agent with the Federal Bureau of Investigation, duly appointed according to law and acting as such, depose and hereby state the following.

BACKGROUND OF AFFIANT

1. Your Affiant is currently employed as a Special Agent ("SA") with the Federal Bureau of Investigation ("FBI"), and has been so employed since July 10, 2005. I am currently assigned to the FBI Strategic Initiatives Unit ("SIU"), Criminal Division, located in Linthicum, Maryland, and as such, am currently responsible for investigating crimes relating to the online, sexual exploitation of children, to include the trafficking and possession of child pornography, along with victim identification. The SIU is responsible for enforcing federal criminal statutes involving the sexual exploitation of children under Title 18, United States Code, Chapters 110 and 109A.

2. Since joining the SIU in October 2010, I have received specialized training in the investigation of child pornography and the sexual exploitation of children through information provided in seminars, classes, and everyday work related activities pertaining to the conduct of these types of investigations. I have also received particularized training in the investigation of computer-related crimes utilizing peer-to-peer computer networking. Through the carry out of my duties, I have observed and reviewed numerous examples of child pornography in various media formats, and have actively participated in the execution of several warrants involving the search and seizure of computers, computer equipment, software, and electronically stored information.

3. Law enforcement in the United States is investigating criminal activity including the advertising, distribution, access with intent to view and possession of child pornography taking place on, and facilitated through, several anonymous websites ("Target Websites") linked together through the same online network ("Online Network" or "Network"). During the course of this investigation, law enforcement agents acting in an undercover capacity have viewed and accessed Target Websites from computers in the District of Maryland and observed them to be facilitating the illegal production, advertising and distribution of child pornography. As further described below, there is probable cause to believe that all of the Target Websites operate on a single computer server (the "Target Server") tied to a single AHS that has been accessed and administered via an IP Address in the United States. There is also probable cause to believe that Eric Eoin MARQUES ("MARQUES") is the sole administrator of the AHS that provides website hosting services to all of the Target Websites which are located on the Target Server. Marques was born on [REDACTED] 1985, and is a dual American and Irish citizen. Marques currently resides at [REDACTED] Dublin, Ireland.

4. I submit this application and affidavit in support of a complaint charging MARQUES with Aiding and Abetting the following offenses: Conspiracy to Advertise Child Pornography in violation of 18 U.S.C. §§ 2 and 2251(d)(1) and (e), Conspiracy to Distribute Child Pornography in violation of 18 U.S.C. §§ 2 and 2252A(a)(2)(A) and (b)(1), Advertising Child Pornography, in violation of 18 U.S.C. §§ 2 and 2251(d)(1), and Distribution of Child Pornography, in violation of 18 U.S.C. §§ 2 and 2252A(a)(2)(A).

5. The statements contained in this affidavit are based in part on: information provided by FBI Special Agents; written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents, including foreign law enforcement

agencies as described below; information gathered from the service of administrative subpoenas; the results of physical and electronic surveillance conducted by federal agents; independent investigation and analysis by FBI agents/employees/computer forensic professionals; and my experience, training and background as a Special Agent with the FBI.

RELEVANT STATUTES

6. This investigation concerns alleged violations of: 18 U.S.C. §§ 2251(d)(1) and (e), Advertising and Conspiracy to Advertise Child Pornography; 18 U.S.C. §§ 2252A(a)(2)(A) and (b)(1), Receiving and Distributing/Conspiracy to Receive and Distribute Child Pornography.

- a. 18 U.S.C. §§ 2251(d)(1) and (e) prohibits a person from knowingly making, printing or publishing, or causing to be made, printed or published, or conspiring to make, print or publish, any notice or advertisement seeking or offering: (A) to receive, exchange, buy, produce, display, distribute, or reproduce, any visual depiction, if the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct, or (B) participation in any act of sexually explicit conduct by or with any minor for the purpose of producing a visual depiction of such conduct;
- b. 18 U.S.C. §§ 2252A(a)(2) and (b)(1) prohibits a person from knowingly receiving or distributing, or conspiring to receive or distribute, any child pornography or any material that contains child pornography, as defined in 18 U.S.C. § 2256(8), that has been mailed, or using any means or facility of interstate or foreign commerce shipped or transported in or affecting interstate or foreign commerce by any means, including by computer;
- c. 18 U.S.C. § 2 provides that whoever commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission is punishable as a principal.

DEFINITIONS OF TECHNICAL TERMS USED IN THIS AFFIDAVIT

7. The following definitions apply to this Affidavit:

- a. "Bulletin Board" means an Internet-based website that is either secured (accessible with a password) or unsecured, and provides members with the ability to view postings by other members and make postings themselves. Postings can contain text messages, still images, video images, or web addresses that direct other members to specific content the poster wishes. Bulletin boards are also referred to

as "internet forums" or "message boards." A "post" or "posting" is a single message posted by a user. Users of a bulletin board may post messages in reply to a post. A message "thread" refers to a linked series of posts and reply messages. Message threads often contain a title, which is generally selected by the user who posted the first message of the thread. Bulletin boards often also provide the ability for members to communicate on a one-to-one basis through "private messages." Private messages are similar to e-mail messages that are sent between two members of a bulletin board. They are accessible only by the user who sent/received such a message, or by the bulletin board administrator.

- b. "Internet Service Providers" (ISPs), as used herein, are commercial organizations that are in business to provide individuals and businesses access to the Internet. ISPs provide a range of functions for their customers including access to the Internet, web hosting, e-mail, remote storage, and co-location of computers and other communications equipment. ISPs can offer a range of options in providing access to the Internet including telephone based dial-up, broadband based access via digital subscriber line (DSL) or cable television, dedicated circuits, or satellite based subscription. ISPs typically charge a fee based upon the type of connection and volume of data, called bandwidth, which the connection supports. Many ISPs assign each subscriber an account name – a user name or screen name, an "e-mail address," an e-mail mailbox, and a personal password selected by the subscriber. By using a computer equipped with a modem, the subscriber can establish communication with an ISP over a telephone line, through a cable system or via satellite, and can access the Internet by using his or her account name and personal password.
- c. "Website" consists of textual pages of information and associated graphic images. The textual information is stored in a specific format known as Hyper-Text Markup Language (HTML) and is transmitted from web servers to various web clients via Hyper-Text Transport Protocol (HTTP).

The Network

8. There is probable cause to believe that MARQUES is the operator of a free, anonymous web hosting service (the "anonymous hosting service" or "AHS") located on an anonymity network available to Internet users (the "Network"). The Network allows users to access websites anonymously, without revealing to the website their actual IP address. The Network also allows users to set up entire websites within the Network that are only accessible to users of the Network. Unlike an open Internet website, is not possible to determine through public

lookups the IP address of a computer hosting a Network website. Neither law enforcement nor users can therefore determine the location of the computer that hosts such a website through those public lookups.

The Anonymous Hosting Service

9. AHS operates through an anonymous website on the Network and offers free hosting of websites on the Network. Users of AHS may create their own websites to operate on the Network and then host the actual site and all of the data on it on the AHS's computer server. According to review of the AHS website prior to July 16, 2013, hosting services were offered for free but required an invitation from an existing user. An option to pay the equivalent of \$5 appears to have been added, according to the site, on July 16, 2013. Under a section on the site home page titled "What's Allowed" is the following text: "We do not give permission for upload of any illegal files. If you chose to do so anyway, we are not responsible for your actions." Clicking on the "Contact" link on the site home page took the user to a page that included the following text: "I will not assist in any use this server for illegal purposes (sorry, I have to protect myself)." That page also disclosed information to assist a user in contacting the administrator using encrypted e-mail. Clicking on the link for "Privacy Policy" on the site home page brought a user to a page with the following text:

[AHS] understands your need for privacy.
We do not use any cookie s or scripting (javascript, flash etc...).
All server logging is turned off.
We do not log any details about you or your connection.
All passwords are stored in our database using a MD5 Hash and a secret salt.
....
In order to diagnose a server problem and improve performance we may view what http/ftp requests are currently in progress at the current time, but this will not be saved.
When you cancel your account we will delete all files and databases permanently from the disk.
....

Notice: I do not consent to the use of the [AHS] server for any illegal activities. If you do illegal activities on this server, I will not go to jail for you! If my identity is compromised and I am questioned/forced to cooperate to identify you, I will do it to ensure my freedom.

10. The AHS website reports that it is running on the FreeBSD operating system.

Target Websites Linked to the Anonymous Host

11. Between July 2 and July 17, 2013, FBI Special Agents operating in the District of Maryland connected to the Network and accessed the website hereinafter referred to as "Website A." Website A appeared to be a bulletin board whose primary purpose was the advertisement and distribution of child pornography. Statistics posted on the site revealed the site had 7,712 members, 22,230 posts, and 2,192 topics. The site home page contained the following categories which were available to all users without having to register for an account:

	Posts	Topics
General Site Information, Questions & Suggestions	649	73
Introductions	3048	443
Off-Topic	549	70
Discussion General Discussion	2464	212
Hurtcore	2350	143
Beastiality	408	43
Links, Guides & Security	198	20

Based on my training and experience, I believe that the term "Hurtcore" refers to images or videos depicting violent sexual abuse and is a term frequently associated with child pornography depicting violent child sexual abuse. The name of Website A also makes reference to that term.

12. Under General Discussion, a list of topics included: "As I like to kill a girl or boy?" which concerned different ways individuals would like to kill a young boy or girl, and "[h]ow deep can you get your dick in your preteen girl?" which concerned penetration by adult males of pre-pubescent females either vaginally orally.

13. Under Hurtcore, was the following topic/post:

[REDACTED] Video. - post started on 06/27/2013 with links to two separate Tor network website locations on a separate website. Accessing the first link showed a proof sheet, that is, a series of still images created from a video, which shows an adult female forcing an infant female to perform oral sex on her and exposing the infant's genital area in a lewd and lascivious fashion. Review of the downloaded video confirmed the content matched images in the proof sheet. The topic itself is four (4) web pages in length. Numerous posters posted messages on that topic while utilizing avatars that contained child exploitation material.

Under Beastiality was the following topic/post:

[REDACTED] - post started on 04/20/2013. The initial post provided a link to a non-Tor internet site and a password. The link was unable to be downloaded at the time of the undercover session. A second link was provided on 06/14/2013 by another user. Accessing the second link revealed a proof sheet from a video depicting a pre-pubescent female forced to perform oral sex on a male dog.

14. An account was created by an FBI Special Agent and utilized to access the website.

After logging into the site, the following sections and areas became visible:

Spotlight

Attention New Members! - 1602 redirects

Discussion

Practical Child Education -	294 posts	22 topics
Sex Tourism & Prostitution -	189 posts	23 topics

Media Literature -	371 posts	89 topics
Videos -	1412 posts	177 topics
Boy Videos -	808 posts	80 topics
Girl Videos -	525 posts	78 topics
Adult Videos -	31 posts	9 topics

Boy Images -	2735 posts	237 topics
Male Babies & Toddlers -	530 posts	53 topics
Male Jailbait -	103 posts	13 topics
Male Adult -	38 posts	7 topics
Girl Images -	3303 posts	236 topics
Female Babies & Toddlers -	718 posts	60 topics
Female Jailbait -	323 posts	24 topics
Female Adult -	100 posts	9 topics
Mixed Gender & Misc. Images -	214 posts	13 topics

Under Videos was the following topic/post:

vcam_skype - 15yo [REDACTED] fucks his 9yo girl neighbor. This thread was started on 06/12/2013 and provided a thumbnail proof sheet of a video depicting what appeared to be an underage male engaged in sexual intercourse with a pre-pubescent female. A second link to the video on another Tor network website provided by another user. The proof sheet provided in the second link appeared to be similar to the original and depicted what appeared to be an underage male and female potentially engaged in sexual intercourse. The video itself was not accessible from either the original post or the subsequent link provided by the other user.

Under Videos/Boy Videos was the following topic/post:

Nice little boy BJ. The thread was started on 06/29/2013 and provided two thumbnail images depicting a male child forced to perform oral sex on an adult male. A link to another Tor network website was provided in the posting. That link was accessed and the posting was confirmed to contain a video with a male child forced to perform oral sex on an adult male.

Under Videos/Girl Videos was the following topic/post:

[REDACTED] This thread was started on 07/01/2013 and provided a link to a proof sheet and video. A review of the images located in the proof sheet were identical to video previously reviewed as [REDACTED] which contained footage of an adult female forcing an infant female to perform oral sex and display her genital area in a lewd and lascivious manner.

Under Boy Images was the following topic/post:

cum covered! This thread was started on 04/06/2013 and provided numerous thumbnail sized images depicting pre-pubescent males with white fluid in their mouth, anus, scrotum and lower back; genitals and anal region displayed in a lewd and lascivious manner; and forced to perform oral sex on another male. At the time of review, the topic contained six (6) pages of replies and additional posts.

Under Boy Images/Male Babies & Toddlers was the following topic/post:

Bondage babies and toddler! This thread was started on 05/28/2013 and provided a thumbnail image of a clothed female child with her hands and feet tied and duct tape over her mouth and the comment "You can do so much with them, if they are tied up!"

New to me, his is so cute, waiting to be destroyed. This thread was started on 06/20/2013 and provided four (4) thumbnails of a pre-pubescent male partially

clothed. Comments by users indicated various sexual acts they would like to perform on the child.

Under Boy Images/Male Jailbait was the following topic/post:

Coffee coloured boy having fun with a pervert. This thread was started on 04/03/2013 and provided 14 thumbnail images of a minor male forced to perform oral sex on and anally penetrated by an adult male.

Under Girl Images was the following topic/post:

rape and torcher babysssss. This thread was started on 06/20/2013 and provided numerous thumbnail images of infants/toddlers bound, anally/vaginally penetrated with objects/male penis, and lewd and lascivious display of genitals. This topic contained nine (9) pages of replies and additional posts at the time it was reviewed.

Under Girl Images/Female Babies & Toddlers was the following topic/post:

[REDACTED] This thread was started on 06/30/2013 and provided a thumbnail image linking to a proof sheet depicting an infant female vertically suspended by her ankles with duct tape over her mouth. A nude adult female can be seen in the images touching the infant female's genitals and displaying them in a lewd and lascivious manner.

Under Girl Images/Female Jailbait was the following topic/post:

Nipples begging to be abused. This thread was started on 05/04/2013 and provided a thumbnail and link to larger image of an identified underage female with her genitals displayed in a lewd and lascivious fashion and an object inserted into her vagina. A second user provided a second thumbnail and link to larger image of the same underage female bound by her ankles and wrists while her genitals are displayed in a lewd and lascivious manner.

Under Mixed Gender & Misc. Images was the following topic/post:

dark skinned toddy. This thread was started on 05/04/2013 and provided thumbnails and links to larger images of underage males engaged in oral sex with adult males. Additional replies and posts by other board members/guests provided additional thumbnails and links to larger images.

15. "Website B" is one of the Target Websites described above that has been accessed by law enforcement agents in the District of Maryland. Website B is a website with the primary purpose to be the advertisement and distribution of files containing child exploitation material. As of

07/12/2013, the site reports that there are almost 1.4 million files that have been uploaded and are accessible by individuals who visit the hidden service. During 2012 and 2013, FBI agents and employees downloaded more than 1 million files from Website B from computers located in the District of Maryland. Those files have been reviewed by FBI agents and employees. Nearly all of the files depict children who are engaging in sexually explicit conduct with adults or other children, posed nude and/or in such a manner as to expose their genitals, in various states of undress, or child erotica. A substantial majority of the images downloaded by the FBI depict prepubescent minor children who are fully or partially nude or engaged in sexually explicit conduct.

16. The home page of Website B is divided into sections displaying distinct categories of material. On the left side of the home page is a category for images and videos that have recently been posted by site users. On the right side of the home page is a category for image and videos that site users have recently marked as a "favorite." The exact images visible in those sections of the home page vary from time to time, depending on what users have recently posted or marked as a favorite. Images posted to the site can be categorized or "tagged" by users based upon the image theme or characteristics. Image tags aid in searching of files posted to the site. Users may also associate an age or age range with images posted to the site. Those age ranges also aid in searching of files posted on the site. The following files were visible on the site home page when accessed by a law enforcement agent in July of 2013:

file number [REDACTED] depicts a pre-pubescent male with his genital area displayed and the focal point of the image. The age range associated with the file by users was 3-5 years of age. It had been viewed 924 times.

file number [REDACTED] depicts a nude underage female sitting on a couch. The minor female is leaned back with her legs spread and exposing her genital area and anus to the camera. The age range associated with the file by users was 12-14 years of age. It had been viewed 4,987 times.

file number 403371.jpg, depicts a nude underage female sitting on a couch. Her hands are placed on either side of her vagina in such a way that the interior of her vagina is visible. The age range associated with the file by users was 12-14 years of age. It had been viewed 4,175 times.

17. At the top-right of the home page is a search box above which are clickable categories identified as "Girls," "All," and "Boys" along with subdivided age ranges including 0-2, 3-5, 6-8, 9-11, 12-14, and 15-17. There does not appear to be a clickable link for 18+. Those categories can be used in conjunction with a search box to find files associated with a particular word/age/sex. For example, a user can click on "girls," then click on "0-2," then enter a search term in the search box, to find a particular image of a female minor between 0-2 years old. The results of this type of search are provided in a thumbnail format and based on either words "tagged" onto an image by users or words located in set or filenames associated with certain groups of related files. Selecting images or sets then allows the user to download/view individual files with an option to download all files associated with a particular result. Based upon my training and experience and in consideration of the type of content visible on the home page of Website B, I believe that there is probably cause to believe that any user who accesses the home page of Website B has accessed or attempted to access with intent to view child pornography.

Identification and Seizure of the Computer Server Hosting Websites A and B

18. Through investigation in 2013, the FBI identified an IP address, 91.121.62.187, that appeared to be associated with both the AHS and the Target Websites including Websites A and B. According to publicly available information, that IP address resolved to OVH, a web hosting company in Roubiax, France. Pursuant to a mutual legal assistance treaty (MLAT) request to France, subscriber information and business records were obtained from OVH. According to

that information, the IP address 91.121.62.187 is associated with a single computer server at OVH (the "Target Server"). A single OVH subscriber, Eric Marques, contracts with OVH for use of the Target Server. The billing address on the MARQUES OVH account is 848 N. Rainbow Blvd., #1854, Las Vegas, NV, which is a mailbox at a private mail facility. Payment for the Target Server was accomplished by a debit card in Marques's name from a U.S.-based bank. According to OVH, Marques had contracted with OVH for the use of nearly 400 computer servers including the Target Server. As of June 13, 2013, the contract or contracts for use of those nearly 400 computer servers expired. However, OVH reported that on June 13, 2013, MARQUES renewed the contract for use of the Target Server only. No other OVH customers use the Target Server.

19. According to information obtained from the private mail facility, mailbox # 1854 is assigned to customer Eric Marques. Mail from the account is forwarded to [REDACTED] Dublin, Ireland. U.S. law enforcement forwarded information regarding that address in Dublin, Ireland to Irish law enforcement for further investigation. To date, Irish law enforcement has reported to U.S. law enforcement that Marques has a valid Irish passport and is associated with that address. Irish law enforcement has also observed Marques at the address to which Marques has mail forwarded. Further, on July 29, 2013, during the execution of a search warrant at that address related to this investigation, Marques was located at the address.

20. Access logs for the OVH customer account associated with the Target Server reveal that between June 5, 2013, and June 7, 2013, the account was accessed from a single IP address, 199.167.193.18, located in the United States. A review of public information determined that the IP address belongs to a virtual private server (VPS) provider in the United States. A VPS is run

through a software program that emulates characteristics of a real physical computer server including graphics, computer processing, memory, and disk storage. A VPS executes programs like a real, physical computer server – essentially a virtual computer-within-a-computer. A VPS can be used to mask one's activity online and conceal computer programs and files. The FBI obtained via subpoena records and information from the VPS provider, including payment and IP address information. MARQUES is the single listed subscriber for that VPS account. IP address information from the VPS provider demonstrates that Marques accessed that VPS as recently as June 12, 2013, from IP address 80.111.57.141, that was on that date, based on publicly available information and information provided by Irish law enforcement, assigned to [REDACTED] [REDACTED] Dublin, Ireland.

21. Pursuant to a supplemental MLAT request to France, on July 22, 2013, U.S. law enforcement received a copy of data and information on the Target Server at OVH. In order to effectuate the copying of the Target Server, the Target Server had to be taken offline on July 22, 2013, for a period of time. Prior to the Target Server being taken offline on July 22, 2013, the Network websites for the AHS and Websites A and B were accessible to users including law enforcement agents who reviewed them. As soon as the Target Server was taken offline, all of those websites ceased to be accessible. They remained inaccessible while the Target Server was offline for purposes of copying. After copying was finished, the Target Server was placed back online. Within a period of time after the Target Server was placed back online, the AHS and Websites A and B became accessible again.

22. Data examined from the copy of the Target Server revealed that it contained a number of encrypted file "containers." A "container" is a space on an electronic storage drive where encrypted data may be stored. It was not possible for law enforcement to access data within


those containers. However, certain information was available about the server and the containers. One of the encrypted containers contained a volume labeled with the two-letter initials of the AHS and contains a virtual machine named with the two-letter initials of AHS (the AHS carries a two-word name). The operating system of the virtual machine named with the two-letter initials of the AHS appears to be FreeBSD.

23. In order to remotely connect to the Target Server, a user requires a password or “authentication key.” There was only one authentication key on the server and a single user account named “root.” Based on training and experience, I believe that means there was only one user who accesses the Target Server. Information associated with the authentication key was displayed as “eric@eric-pc.” The only IP address that remotely accessed the server using authentication key authentication since April 28, 2013, was IP 80.111.57.141, which is the Irish IP address associated with access to MARQUES’s VPN account and which was then assigned to MARQUES’s home. Connections from earlier than April of 2013 going back to January of 2012 were also from other Irish IP addresses.

24. On April 24, 2013, a user of Website A posted a message asking whether the AHS is free to the end user. On April 25, 2013, the administrator of Website A responded that the AHS is “100% free” and that the administrator assumes that “the admin covers [the cost] himself as a service to the [Network] pedo community.”

25. On May 31, 2013, the administrator of Website A replied to a user that claimed, “[AHS] has NO control of the sites it hosts. It only hosts them.” The administrator responded, stating, “In reality [AHS] has full control over all the websites hosted on their servers. In fact, just a few days ago they patched a few of the core files running this very forum.” Later in the same conversation, the administrator noted that, though AHS does not “create or maintain (as far as I

know) any of the sites they are hosting[]" AHS could "do whatever they wanted with the sites they host as they inherently have full access to the databases behind the sites."


Shanna Daniels
Special Agent
Federal Bureau of Investigation

SUBSCRIBED TO AND SWORN BEFORE ME
THIS 29th DAY OF JULY, 2013


HONORABLE JILLYN K. SCHULZE
UNITED STATES MAGISTRATE JUDGE